REMARKS

Summary of the Office Action

In the Office Action, claims 1-3, 5, 6, 19, 20, and 22 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,023,684 to *Pearson*.

Claims 4, 7-18, and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Pearson*.

Summary of the Response to the Office Action

Applicant respectfully requests reconsideration. Accordingly, claims 1-22 are pending for further consideration.

All Subject Matter Complies with 35 U.S.C. § 102(b)

Claims 1-3, 5, 6, 19, 20, and 22 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by *Pearson*. Applicant respectfully traverses the rejection for the following reasons.

Applicant respectfully submits that the Office Action has not established that *Pearson* anticipates each and every feature of Applicant's claimed invention and that all rejections under 35 U.S.C. § 102(b) should be withdrawn. Namely, Applicant contends that independent claim 1 recites the features of "(a) receiving incoming stochastic data records from any of a plurality of disparate systems relating to any of: (i) financial transactions, (ii) financial instruments, (iii) financial institutions, (iv) customers, and (v) financial transaction counterparties." At least these features are not disclosed or taught by *Pearson*.

Pearson discloses an open database compliant standard network that allows customer access to records maintained on financial institution account systems, and more particularly, to systems for interfacing client programs over an open network to legacy databases in financial institution computer systems. See *Pearson* at col. 1, lines 5-10. However, the network of *Pearson* fails to teach or suggest at least the above features of claim 1.

The Office Action states that *Pearson* discloses that "the client interface communicates data messages between a client program and the financial transaction." However, this statement does not comport with the features recited in claim 1. Namely, *Pearson* discloses that a customer may query a financial computer system, but it does not indicate that a financial computer system may receive "incoming stochastic data records from any of a plurality of disparate systems relating to any of: (i) financial transactions, (ii) financial instruments, (iii) financial institutions, (iv) customers, and (v) financial transaction counterparties." See *Pearson* at Abstract, lines 4-6. Because *Pearson* does not disclose the above-mentioned features, it cannot anticipate the invention recited in claim 1.

Further, Applicant respectfully submits that the Office Action has not established that *Pearson* anticipates each and every feature of independent claim 1 because it does not recite the features of "consolidating the converted stochastic data records by storing the data records on a consolidated database in conformance with a predefined industry standard." At least these features are not disclosed or taught by *Pearson*.

The specification discloses that "consolidation" is a 1) process of grouping accounts for access and aggregation by certain criterion; 2) creating a composite of market data that pertains to each financial instrument from data that originates from multiple sources; and 3) creating a composite of data pertaining to the same criterion. See page 3, lines 13-23 of the specification.

Contrary to the Office Action, *Pearson* does not disclose a system that consolidates as claimed and described in the present invention. The citations in *Pearson* do not remotely refer to the step of consolidating as described in the present invention. In fact, the citations refer to e.g., communications between a client program and a client interface and conventional legacy database processing. These are not remotely related to the claimed

consolidation step. Because *Pearson* does not disclose the above-mentioned features, it cannot anticipate the invention recited in claim 1.

As pointed out in MPEP § 2131, a claim is anticipated by a prior art reference only if each and every element as set forth in the claim is found. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051 (Fed. Cir. 1987). Therefore, Applicant respectfully asserts that the rejection under 35 U.S.C. § 102(e) should be withdrawn because *Pearson* does not teach or suggest each feature of independent claim 1.

Additionally, Applicant respectfully submits that dependent claims 2, 3, 5, 6, 19, 20, and 22 are also allowable insofar as they recite the patentable combinations of features recited in claim 1, as well as reciting additional features that further distinguish over the applied prior art.

All Subject Matter Complies with 35 U.S.C. § 103(a)

Claims 4, 7-18, and 21 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Pearson*. Applicant respectfully traverses the rejection for the following reasons.

Applicant respectfully submits that independent claim 1 includes the features of "receiving incoming stochastic data records from any of a plurality of disparate systems relating to any of: (i) financial transactions, (ii) financial instruments, (iii) financial institutions, (iv) customers, and (v) financial transaction counterparties," and the features of "consolidating the converted stochastic data records by storing the data records on a consolidated database in conformance with a predefined industry standard." At least these features are absent from, and are neither disclosed nor taught, alone or in combination, by *Pearson*.

To establish a *prima facie* case of obviousness, three basic criteria must be met (see MPEP §§ 2142-2143). First, there must be some suggestion or motivation, either in the

references themselves or in the knowledge generally available to one of ordinary skill the art, to combine reference teachings. Second, there must be a reasonable expectation of success. Third, the prior art references must teach or suggest all the claim limitations.

The prior art reference, and not the Applicant's disclosure must teach or suggest all the claim features. As such, since *Pearson* does not expressly or impliedly teach or suggest the above-mentioned features as previously demonstrated, the Applicant respectfully asserts that the Office Action relies on Applicant's disclosure, and not the cited reference, in concluding that the invention as claimed would be obvious.

As pointed out in M.P.E.P. § 2143.03, "[t]o establish prima facie obviousness of a claimed invention, all the claimed limitations must be taught or suggested by the prior art". *In re Royka*, 409 F.2d 981, 180 USPQ 580 (CCPA 1974). As such, Applicant respectfully asserts that the third prong of *prima facie* obviousness has not been met. Therefore, Applicant respectfully requests that the rejection under 35 U.S.C. § 103(a) should be withdrawn because *Pearson* does not teach or suggest each and every feature of independent claim 1.

Additionally, Applicant respectfully submits that dependent claims 4, 7-18, and 21 are also allowable insofar as they recite the patentable combinations of features recited in claim 1, as well as reciting additional features that further distinguish over the applied prior art.

CONCLUSION

In view of the foregoing, Applicant respectfully requests reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of the Response, the Examiner is requested to contact the Applicant's undersigned representative to expedite prosecution.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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